

1 station?

2 MR. SHAINIS: Objection. The witness testified he
3 did not know if the station ever had been constructed.

4 JUDGE CHACHKIN: Sustained.

5 BY MR. SCHAUBLE:

6 Q Turn back to Exhibit 319, Mr. Cordaro. Under
7 No. 1, do you see the notation, "SMRS base license at Rasnow
8 Peak, 852.4875?"

9 A Are you talking about Item 1?

10 Q Yes.

11 A Yes.

12 Q Okay. Now, do you recall if that station was
13 subject to the management and marketing agreement, which is
14 Exhibit 323?

15 A What was the question?

16 Q Okay. Was that facility at Rasnow the subject of
17 the radio system management and marketing agreement, which
18 is WTB Exhibit 322?

19 A Yes, I believe so.

20 Q Okay. Do you know if that station was ever
21 constructed?

22 A No.

23 MR. KELLER: Excuse me. Is that no, you do not
24 know?

25 JUDGE CHACHKIN: Is that right? You do not know

1 if it was ever constructed?

2 THE WITNESS: No, I don't know.

3 JUDGE CHACHKIN: Okay.

4 BY MR. SCHAUBLE:

5 Q While you were employed by Southland
6 Communications, did you ever have any opportunity to visit
7 Rasnow Peak?

8 A Yes.

9 Q Okay. Do you recall approximately how many times
10 you visited Rasnow Peak?

11 A Just once.

12 Q Okay. Can you please describe the circumstances
13 behind that visit?

14 A I delivered some documents to the owner after the
15 fire. We had a fire that was up there, so the facility was
16 wiped out. I delivered some documents for James Kay to the
17 owner.

18 Q Did you ever perform any maintenance work on
19 equipment located at Rasnow Peak?

20 A No.

21 Q Do you know if any expenses were ever incurred
22 with respect to this station?

23 A I have not paid for any expenses.

24 Q Okay. Do you know whether anybody else ever paid
25 for any expenses relating to the station?

1 A No, I do not know.

2 Q Do you know if there was a filing fee paid in
3 connection with the application which led to the issuance of
4 the license?

5 A I do not know.

6 Q Mr. Cordaro, have you previously heard of an
7 entity called Oat Trunking Group?

8 A Yes.

9 Q Okay. What is your understanding of what Oat
10 Trunking Group is?

11 A My understanding, it's a company that manages or
12 runs an SMR operation on Oat Mountain.

13 Q Okay. Do you have an understanding as to who the
14 owner of Oat Trunking Group is?

15 A I would only be assuming it's James Kay.

16 Q Do you have --

17 JUDGE CHACHKIN: I will strike it. If the witness
18 is only assuming and he does not know, the answer will be
19 stricken.

20 BY MR. SCHAUBLE:

21 Q Do you have any basis for believing that Mr. Kay
22 is the owner of Oat Trunking Group?

23 A No.

24 Q To your knowledge, did Oat Trunking Group ever
25 conduct any business?

1 A I do not know.

2 Q Okay. Were you ever involved in any meetings or
3 discussions relating to Oat Trunking Group?

4 A No.

5 Q Mr. Cordaro, please direct your attention to WTB
6 Exhibit No. 312.

7 JUDGE CHACHKIN: 312?

8 MR. SCHAUBLE: 312, Your Honor.

9 BY MR. SCHAUBLE:

10 Q Turn to the second page of that exhibit. At the
11 bottom of the page, Mr. Cordaro, is that your signature on
12 the document?

13 A Yes.

14 Q Okay. Do you see that this is an application
15 filed in the name of Oat Trunking Group, Inc.?

16 A Yes.

17 Q Okay. Do you recall the circumstances under which
18 you signed this application?

19 A No.

20 Q Do you recall if you signed this application at
21 somebody's request?

22 A Yes.

23 Q At whose request?

24 A James Kay.

25 Q Okay. Now, do you see the date next to your

1 signature of June 8, 1992?

2 A Yes.

3 Q Did you sign this application on or about that
4 date?

5 A I don't recall.

6 Q Now, when you signed this form, was this form
7 completed when you signed it?

8 A I don't recall.

9 Q Were you ever informed that you were an officer of
10 Oat Trunking Group?

11 A No.

12 Q Did anyone ever inform you that part of your job
13 duties at Southland would be to conduct business relating to
14 Oat Trunking Group?

15 A No.

16 Q Do you see the address on this application, the
17 P.O. box there?

18 A Yes.

19 Q Do you recognize that P.O. box?

20 A No.

21 Q To your knowledge, Mr. Cordaro, did you ever
22 receive any sort of compensation from Oat Trunking?

23 A No.

24 Q Mr. Cordaro, please direct your attention to WTB
25 Exhibit 315.

1 A Yes.

2 Q On the second page, do you see your signature
3 there?

4 A Yes.

5 Q Is that your signature on the document?

6 A Yes.

7 Q Who prepared this document?

8 A James Kay.

9 Q Did somebody present this document and request
10 that you sign this document?

11 A Yes.

12 Q Who would that individual have been?

13 A James Kay.

14 Q Do you recall having any sort of discussion with
15 Mr. Kay when this document was presented to you?

16 A I don't recall any conversation.

17 Q Mr. Cordaro, are you familiar with the term "end
18 user license"?

19 A Yes.

20 Q Please describe your understanding of that term.

21 A That would be the license that the customer has.

22 Q What would that license allow the customer to do?

23 A That would allow the customer to operate on that
24 particular frequency, specifying mobiles, mobile count, base
25 station.

1 Q Now turn back to WTB Exhibit 319.

2 A Yes.

3 Q Under 2, do you see the reference to, "Recently
4 mailed user license for the SMR at Rasnow, 807.4875?"

5 A Yes.

6 Q Did you have an understanding at that time as to
7 whether there were any applications for licenses in your
8 name for end user licenses?

9 A That's what this item is instructing, that I did
10 have a user license.

11 Q Mr. Cordaro, turn to WTB Exhibit 316.

12 A Yes.

13 Q Have you seen this document previously?

14 A Yes.

15 Q Okay. Do you have an understanding of what this
16 document is?

17 A This is a user SMR license.

18 Q Do you see how many mobiles are authorized under
19 this license?

20 A Yes.

21 Q How many would that be?

22 A Sixty-four.

23 Q Now, do you see that the license is in your name,
24 d/b/a VSC Enterprises?

25 A Yes.

1 Q What was VSC Enterprises?

2 A VSC was Vincent Sam Cordaro, my initials, and it
3 was strictly a little consulting business I had. I actually
4 started it prior to selling my business to James Kay.

5 Q Okay. Let me ask. Did VSC Enterprises ever
6 conduct any sort of business?

7 A Yes.

8 Q Okay. What sort of business did it conduct?

9 A I did publications. I wrote a newsletter for a
10 non-profit organization. I did some computer work,
11 consulting on computer work for programming.

12 Q Okay. Do you recall during what time period VSC
13 Enterprises was conducting business?

14 A Years?

15 Q Yes.

16 A I believe even up to today it's still a valid
17 filing.

18 Q Okay. You made reference to the filing. Could
19 you please describe the nature of that filing?

20 A A business license proprietorship.

21 Q Now, did VSC Enterprises ever have any occasion to
22 use radios?

23 A No.

24 Q Did you ever have any discussion with Mr. Kay in
25 which you expressed an interest or desire to have VSC

1 Enterprises use radios?

2 A No.

3 Q Now, while you were employed by Southland
4 Communications, did you ever have any occasion to use
5 two-way radios?

6 A As an employee of Southland, yes.

7 Q Okay. Were you provided with a radio, the radio
8 that you used?

9 A I had my own radio, and also I was provided a
10 portable for use.

11 Q Okay. Who provided you with the portable?

12 A Southland Communications.

13 Q Okay. For what purpose would you use those
14 radios?

15 A To communicate with the office, the field, you
16 know, technicians, installer.

17 Q Did you use these relating to your employment?

18 A Yes.

19 Q Now, to your knowledge, did other employees at
20 Southland use two-way radios in connection with the business
21 of Southland Communications?

22 A Yes.

23 Q Do you recall what frequency the radios you used
24 operated on?

25 A They were on an SMR. I don't -- those are

1 multiple frequencies. I don't know specifically which
2 frequency.

3 Q Okay. Would this be 800 megahertz band or a 475
4 watt?

5 A No. It was 800 megahertz.

6 Q Now, during the period you were employed by
7 Southland, Mr. Cordaro, other than VSC Enterprises did you
8 have any other sort of employment?

9 A No.

10 Q While you were employed at Southland, did you ever
11 do any sort of radio consulting work separate and apart from
12 your work for Southland?

13 A No.

14 MR. SCHAUBLE: Your Honor, what is my next exhibit
15 number?

16 JUDGE CHACHKIN: 350 was the last one, so I guess
17 351.

18 We will take a 10 minute break at this time. The
19 parties can examine.

20 (Whereupon, a short recess was taken.)

21 JUDGE CHACHKIN: Back on the record.

22 Mr. Schauble?

23 MR. SCHAUBLE: Your Honor, at this time I have
24 tendered to counsel for Kay and counsel for the witness and
25 to the reporter and am handing to Your Honor a copy of a six

1 page document.

2 It begins with a letter on the letterhead of Brown
3 and Schwaninger dated September 4, 1992, a three page
4 letter, followed by a document entitled "Fictitious Business
5 Name Statement", followed by two affidavits. I ask that
6 this document be marked for identification as WTB Exhibit
7 351.

8 JUDGE CHACHKIN: The document will be so marked.
9 (The document referred to was
10 marked for identification as
11 Bureau Exhibit No. 351.)

12 BY MR. SCHAUBLE:

13 Q Mr. Cordaro, please take a moment to review the
14 document.

15 (Pause.)

16 Mr. Cordaro, turning to the fifth page of the
17 document, --

18 A Yes.

19 Q -- the second to the last page, you will see it is
20 a page entitled Affidavit.

21 A Yes.

22 Q Is that your signature on that page?

23 A Yes.

24 Q Am I correct that the date on there is
25 September 4, 1992?

1 A Yes.

2 Q Turning to the previous page, do you recognize
3 what this page is?

4 A Yes.

5 Q Could you please describe what it is?

6 A This is a fictitious filing for VSC Enterprise.

7 Q Okay. Now --

8 MR. WALLUCK: Your Honor, can we take a brief
9 break to consult with my client?

10 JUDGE CHACHKIN: We will take a break.

11 MR. WALLUCK: Just a moment. Thank you.

12 (Discussion held off the record.)

13 BY MR. SCHAUBLE:

14 Q Mr. Cordaro, with respect to the letter, which is
15 the first three pages of Exhibit 351, have you seen this
16 letter previously?

17 A I don't really -- I don't recall.

18 Q Okay. Now turning to the first sentence on the
19 first page of the document, do you see there is a statement
20 there, "We represent the radio system interests of Vincent
21 S. Cordaro, d/b/a VSC Enterprises, and of James A. Kay, Jr.,
22 before the Federal Communications Commission."

23 Did you ever have any discussions with anyone from
24 the firm Brown and Schwaninger?

25 A No.

1 Q Did you ever authorize Brown and Schwaninger to
2 act as counsel on your behalf?

3 A No.

4 Q In 1992, did you have any understanding whether
5 Brown and Schwaninger had any sort of relationship with Mr.
6 Kay?

7 A Can you restate that?

8 Q Sure. In 1992, did you have any understanding
9 whether the law firm of Brown and Schwaninger had any sort
10 of relationship with Mr. Kay?

11 A Yes.

12 Q Okay. What was that understanding?

13 A That he represented -- that they represented James
14 Kay here in Washington.

15 Q Okay. Have you ever paid any money to Brown and
16 Schwaninger?

17 A No.

18 Q Mr. Cordaro, when you signed the affidavit on
19 here, which is on page 5, do you recall whether you saw a
20 draft or earlier version of this letter at the time you
21 signed the affidavit?

22 A I don't recall.

23 MR. KELLER: I am sorry. I did not hear the
24 witness' answer.

25 JUDGE CHACHKIN: He said, "I don't recall."

1 This is your signature on this affidavit? You
2 declared under penalty of perjury that the foregoing
3 document was true and correct, executed 9-4-92. That is
4 your signature?

5 THE WITNESS: Yes, sir.

6 BY MR. SCHAUBLE:

7 Q Do you recall reviewing any sort of document in
8 connection with signing this affidavit?

9 A I don't recall.

10 Q Okay. Do you recall whether you were requested by
11 anyone to sign this affidavit?

12 A Just to sign the affidavit. I'm sorry. Restate
13 that.

14 Q Let me ask you. Were you requested by anyone to
15 sign this affidavit?

16 A I don't recall.

17 Q Turn to the second page of the document, Mr.
18 Cordaro. In the second full paragraph, do you see the
19 sentence there, "Separate and apart for his work for Kay, as
20 fully disclosed in Cordaro's application, Cordaro also
21 operates a radio communications consulting company?" Do you
22 see that?

23 A Yes.

24 Q Was that a true statement in September, 1992?

25 A No.

1 MR. KELLER: Excuse me. The witness said no,
2 correct?

3 JUDGE CHACHKIN: Yes.

4 MR. SHAINIS: Thank you.

5 BY MR. SCHAUBLE:

6 Q Turn to the third page of the document, Mr.
7 Cordaro, the third page of the letter. In the second
8 paragraph you will see the --

9 MR. KELLER: The second full paragraph?

10 MR. SCHAUBLE: The second full paragraph.

11 BY MR. SCHAUBLE:

12 Q Do you see there is a statement there, "On the
13 date of the filing of Cordaro's application, 17 mobile unit
14 slots were available. He desires to operate that many
15 mobile units, and he requested authority for them in his
16 application."

17 My question to you, Mr. Cordaro, is did you ever
18 have a desire and intention to operate 17 mobile units?

19 A No.

20 Q Did you ever have any discussion with Mr. Kay in
21 which you expressed an intention or desire to operate 17
22 mobile units?

23 A No.

24 MR. SCHAUBLE: Your Honor, at this time I move WTB
25 Exhibit 351 into evidence.

1 JUDGE CHACHKIN: Any objection?

2 MR. KELLER: No objection.

3 JUDGE CHACHKIN: All right. Bureau Exhibit 351 is
4 received.

5 (The document referred to,
6 having been previously marked
7 for identification as Bureau
8 Exhibit No. 351, was received
9 in evidence.)

10 MR. SCHAUBLE: Your Honor, I would note for the
11 record that the Bureau originally exchanged Exhibit 314,
12 which I believe the record showed to be or appears to be a
13 draft, unsigned version of Exhibit 351. Your Honor rejected
14 314, and 351 is the signed version of what was exchanged as
15 314.

16 JUDGE CHACHKIN: All right.

17 MR. SCHAUBLE: I would just note that for the
18 record.

19 BY MR. SCHAUBLE:

20 Q Mr. Cordaro, please turn back to WTB Exhibit 322.
21 That is the November 11 radio system management and
22 marketing agreement.

23 A Yes.

24 Q Do you recall the circumstances under which you
25 signed this agreement?

1 A No.

2 Q Okay. Do you recall if somebody requested that
3 you sign this agreement?

4 A Yes.

5 Q Who made that request of you?

6 A James Kay.

7 Q Okay. Do you recall? Did Mr. Kay present this
8 document to you for your signature?

9 A Yes.

10 Q Okay. Did you have a discussion with Mr. Kay when
11 he presented this document to you?

12 A I don't recall a discussion.

13 Q Mr. Cordaro, turn to page 4 of the agreement,
14 Paragraph VI.

15 MR. KELLER: We are on 322, counsel?

16 MR. SCHAUBLE: 322.

17 THE WITNESS: Yes.

18 BY MR. SCHAUBLE:

19 Q Okay. Do you see that paragraph? Do you have an
20 understanding of what this paragraph provided?

21 A Which paragraph?

22 Q Paragraph VI.

23 A "Compensation for service". Yes.

24 Q Okay. Did you ever receive any payment pursuant
25 to this agreement?

1 A Yes.

2 Q Okay. Turn to WTB Exhibit 324. Do you recognize
3 that document, Mr. Cordaro?

4 A Yes.

5 Q Did you receive this check?

6 A Yes.

7 Q At the time you received this, did you have an
8 understanding as to why you were receiving this check?

9 A Yes.

10 Q Okay. What was that understanding?

11 A To validate this contract, he was to give me \$100.

12 Q Other than this \$100 payment, did you receive any
13 other payment in connection with this agreement?

14 A No.

15 Q Did you ever receive any reports concerning the
16 amount of revenue this station was generating?

17 A No.

18 Q Did you have an understanding as to who would have
19 that information?

20 A Yes.

21 Q And who would have that information?

22 A Lucky's Two-Way.

23 Q Did you ever request any such information?

24 A No.

25 Q Prior to entering into this Exhibit 322, which is

1 the written agreement, Mr. Cordaro, did you have any sort of
2 oral agreement with Mr. Kay on this same matter?

3 A No.

4 Q When this document was presented to you, did you
5 ask why this document was necessary or desirable?

6 A Yes.

7 Q Did you receive a response?

8 A Yes.

9 Q What was that response?

10 A This was to assist in his FCC litigation.

11 Q Okay. Did he provide any further explanation in
12 that regard?

13 A I do not recall.

14 Q Mr. Cordaro, turn to WTB Exhibit 323. Do you
15 recognize this document, Mr. Cordaro?

16 A Yes.

17 Q And what is it?

18 A It's a radio system management and marketing
19 agreement.

20 Q Okay. Turn to page 9 of the document.

21 A Yes.

22 Q Under Vincent Cordaro, Licensee, is that your
23 signature?

24 A Yes.

25 Q Now turning back to the first page of the

1 document, do you see the date there?

2 A Yes.

3 Q Let me ask you. To your knowledge, when did you
4 sign this document?

5 A I don't recall the exact date.

6 Q Do you believe it was on or about December 30,
7 1994?

8 A Yes.

9 Q Was this document presented to you for your
10 signature?

11 A Yes.

12 Q Who presented this document to you for signature?

13 A James Kay.

14 Q Did you have a conversation with Mr. Kay when the
15 document was presented to you?

16 A Yes.

17 Q What did Mr. Kay tell you in that conversation?

18 A This document is identical to the previous
19 document. The only difference was the date.

20 Q Were you told why it was necessary to sign another
21 version of the same document?

22 A No.

23 Q In that discussion with Mr. Kay, do you recall
24 discussing anything else concerning this agreement or the
25 station that was subject to the agreement?

1 A I don't recall any other discussions.

2 Q Mr. Cordaro, please turn to WTB Exhibit 321.

3 First turn to page 3 of the document. Towards the bottom of
4 the page, is that your signature on the document?

5 A Yes.

6 Q Okay. What is the date next to your signature?

7 A 11-21-92.

8 Q Now, do you have an understanding of what the
9 purpose of this FCC Form 1046 is?

10 A Yes.

11 Q Okay. What is that understanding?

12 A An assignment. I'm assigning my rights on this
13 frequency --

14 Q Okay.

15 A -- or call sign.

16 Q Now, is it your belief that you signed this
17 document on November 21, 1992?

18 A Yes.

19 Q Okay. Now, when you signed this document was the
20 rest of the form filled out?

21 A No.

22 Q Were you requested to sign this form by somebody
23 else?

24 A Yes.

25 Q Were you requested to sign this form by somebody

1 else?

2 A Yes.

3 Q Okay. Who made that request of you?

4 A James Kay.

5 Q What did Mr. Kay say when he made that request of
6 you?

7 A I signed back in -- I believe -- well, excuse me.
8 I signed a lot of forms when he first purchased my company,
9 so I know I signed some blank forms of that nature also. I
10 don't recall any specific conversation we had back in 1992.

11 MR. KELLER: Your Honor, could we go off the
12 record for a minute? Could I have just a moment?

13 JUDGE CHACHKIN: Yes. Let's go off the record.

14 (Whereupon, a short recess was taken.)

15 MR. KELLER: Something unexpected has sort of come
16 up here. Ms. Ashauer has been sitting here. As you know,
17 we are going to call her this afternoon for a very limited
18 purpose, but I have a suspicion now that we are going to be
19 getting into an area where we may also have one or two
20 rebuttal questions for Ms. Ashauer regarding a matter I
21 think we are going to be getting into here.

22 Therefore, I am going to ask that she return to
23 the witness room. I do not want to compromise the
24 Sequestration Order.

25 JUDGE CHACHKIN: All right. Perhaps that is the

1 best thing.

2 MR. KELLER: You can wait in the witness room
3 while he finishes testifying.

4 Sorry for the interruption.

5 BY MR. SCHAUBLE:

6 Q Mr. Cordaro, you referred a moment ago to blank
7 forms. Were you referring to blank FCC application forms?

8 A Yes.

9 Q Would those forms have included FCC Form 1046,
10 which is the assignment of authorization form?

11 A I don't recall exactly which forms they were.

12 Q Okay.

13 A There was just a lot of paperwork.

14 Q Do you recall whether this assignment took place
15 on one or multiple occasions?

16 JUDGE CHACHKIN: I do not understand your
17 question.

18 BY MR. SCHAUBLE:

19 Q Let me ask. Did you sign blank FCC application
20 forms on one or more occasions?

21 A I don't recall.

22 Q Now, when you signed blank FCC application forms,
23 did you do so at somebody's request?

24 A How would you define request?

25 Q Let me ask the question this way. Do you recall

1 what led you to sign blank FCC application forms?

2 A The forms were handed to me with a stack of other
3 forms.

4 Q Who handed you those forms?

5 A James Kay.

6 Q Okay. Did Mr. Kay say anything to you when he
7 handed you these forms?

8 A I don't recall any specifics.

9 Q Did you have an understanding as to what you were
10 supposed to do with these forms?

11 A No.

12 Q Did you have an understanding as to whether you
13 were supposed to sign the forms?

14 A Yes.

15 Q Who did that understanding come from?

16 A Mr. Kay.

17 Q Mr. Cordaro, please take a moment to review the
18 remainder of Exhibit 321.

19 A I'm sorry. Which exhibit?

20 Q I am asking you to take a look at the remaining
21 pages of the same exhibit, 321.

22 A Yes.

23 JUDGE CHACHKIN: What page are you asking him to
24 look at?

25 BY MR. SCHAUBLE:

1 Q Mr. Cordaro, my question is do you recognize what
2 the entirety of this Exhibit 321 is?

3 A It looks like a license form.

4 Q Have you seen this? Turn to page 1 of the
5 document. Have you seen this document previously?

6 A Page 1?

7 Q Page 1.

8 A I don't recall. No.

9 JUDGE CHACHKIN: You do not recall or --

10 THE WITNESS: No. No.

11 MR. KELLER: No, he has not seen it?

12 JUDGE CHACHKIN: That is what he says.

13 BY MR. SCHAUBLE:

14 Q Mr. Cordaro, do you recall being deposed in this
15 proceeding in connection with this proceeding?

16 A Which time?

17 Q It is correct that you have been deposed twice in
18 this proceeding, correct?

19 A In the FCC matter?

20 Q Yes.

21 A Yes.

22 Q Do you recall seeing this document in connection
23 with either of your depositions?

24 JUDGE CHACHKIN: Which document?

25 MR. SCHAUBLE: 321, Your Honor.

1 JUDGE CHACHKIN: The entire document?

2 MR. SCHAUBLE: In its entirety.

3 JUDGE CHACHKIN: All right.

4 THE WITNESS: I don't recall seeing this document.

5 BY MR. SCHAUBLE:

6 Q Mr. Cordaro, did there come a time when you
7 learned that an application had been filed to assign a
8 license in your name from yourself to Mr. Kay?

9 A Yes.

10 Q When did you learn that such an application had
11 been filed?

12 A After I left Southland.

13 Q Okay. Do you recall what year that would have
14 been?

15 A 1995.

16 Q Do you recall from whom you learned that
17 information?

18 A From another two-way dealer.

19 Q Okay. Do you recall the individual's name?

20 A Yes.

21 Q What was his name?

22 A Barney Peterson.

23 Q Mr. Cordaro, turn to WTB Exhibit 325. Is that
24 your signature on the document?

25 A Yes.

1 Q Do you recall writing this letter?

2 A No.

3 Q Do you recall sending this letter to the
4 Commission?

5 A No.

6 Q Do you see in this letter, Mr. Cordaro --

7 (Pause.)

8 THE WITNESS: Did I miss a question?

9 JUDGE CHACHKIN: No question is pending.

10 BY MR. SCHAUBLE:

11 Q Mr. Cordaro, do you recall a time when agents from
12 the FCC showed up for an inspection at Mr. Kay's office?

13 A Yes.

14 Q Okay. Do you approximately when that occurred?

15 A No, I don't.

16 Q Did it occur during the time period when you were
17 employed by Southland?

18 A Yes.

19 Q Okay. Do you recall the name of the agent or
20 agents who were present at the inspection?

21 A No, I do not.

22 Q Were you present in the office when the inspection
23 took place?

24 A I was at my desk.

25 Q Did you become aware of what the agents were

1 inspecting?

2 A Are you asking me why they showed up?

3 Q Let me ask that. Are you aware of why the agents
4 showed up?

5 A It was brought to our -- yes.

6 Q Okay. What was your understanding?

7 A They were investigating some interference.

8 Q Did you have an understanding of why they were
9 showing up in Mr. Kay's office to investigate the
10 interference?

11 A No.

12 Q Okay. Do you know if the agents located certain
13 equipment during this inspection?

14 A Yes.

15 Q What sort of equipment did they find?

16 A They saw a transmitter in the back room of
17 Lucky's.

18 Q Okay. What sort of transmitter? Can you describe
19 this transmitter?

20 A I don't know precisely what type of transmitter it
21 was.

22 Q Do you have an understanding as to what frequency
23 band or bands the transmitter operated?

24 A Do I understand what frequency of that particular
25 transmitter?

1 Q Yes. What frequency band or bands this
2 transmitter operated on.

3 A Yes.

4 Q Okay. What bands were those?

5 A Eight hundred megahertz.

6 Q Do you know if there was anything different or
7 unusual about how this particular transmitter was
8 configured?

9 A Mr. Kay had showed me what it was. It had an LTR
10 box of some sort on there similar to cross banding.

11 Q Okay. Mr. Cordaro, are you familiar with the term
12 "cross band repeater"?

13 A Yes.

14 Q Okay. What is your understanding of what that
15 term is?

16 A My understanding of cross band repeater is taking
17 a signal input from a particular frequency and
18 rebroadcasting it on a different frequency.

19 Q Okay. Did you have an understanding as to whether
20 this particular transmitter was or was not a cross band
21 repeater?

22 A The equipment I saw was a cross band repeater.

23 Q When Mr. Kay showed you this equipment, did he
24 explain what the purpose of the equipment was?

25 A I don't recall the exact conversation.

1 Q Do you recall generally what the conversation was?

2 A Yes.

3 Q Okay. What was the conversation?

4 A That it was listening to another frequency and
5 rebroadcasting it.

6 Q Okay. Did you ever discuss with him for what use
7 the equipment was rebroadcasting on another frequency?

8 A No.

9 Q Now, Mr. Cordaro, when you worked as sales
10 manager/general manager, did you have any duties with
11 respect to rental radios?

12 A Yes.

13 Q Okay. What were the nature of those duties?

14 A I would either -- I would handle the rental
15 transaction myself sometimes or oversee it, approve a price
16 change.

17 Q Okay. Were you familiar with how many radios Mr.
18 Kay had available for rental?

19 A Yes.

20 Q Approximately how many radios did Mr. Kay have
21 available for rental?

22 A I don't recall exactly.

23 Q Can you provide an estimate?

24 A Less than 100.

25 Q Would that be true during the entire time you

1 worked as general manager/sales manager?

2 A Yes.

3 Q Okay. Now, during the period you were employed as
4 sales manager/general manager, did you have an understanding
5 as to what frequency or frequencies the rental units
6 operated on?

7 A Yes.

8 Q Okay. What was that understanding?

9 A We had some on 500 meg, what we called T-band, and
10 we had some on 470.

11 Q Do you know whether the units operated on two
12 frequencies, one in the 500 megahertz range and one in the
13 470 megahertz range, or did they operate in multiple
14 frequencies?

15 A The product that we had for rental did not operate
16 on both 470 and 500.

17 MR. KELLER: Excuse me. I did not hear the
18 witness's answer.

19 JUDGE CHACHKIN: Would you repeat the answer?

20 THE WITNESS: Yes.

21 JUDGE CHACHKIN: Or we can have the reporter read
22 it back.

23 THE WITNESS: The product that -- the majority of
24 the product that we rented did not operate on both of those
25 channels.

1 MR. KELLER: Thank you.

2 THE WITNESS: On both of those bands.

3 MR. KELLER: Thank you.

4 BY MR. SCHAUBLE:

5 Q Were there specific channels or frequencies that
6 were designated within those bands that were designated for
7 use by rental radios?

8 A Yes.

9 Q Do you recall what those specific frequencies
10 were?

11 A No.

12 Q Do you recall how many of those frequencies there
13 were?

14 A No.

15 Q Now, while you worked as sales manager/general
16 manager at Southland, did you have any duties with respect
17 to demo units?

18 A Yes.

19 Q Would you please describe the nature of those
20 duties?

21 A I would oversee checking them out, making sure
22 they had the proper code and that they were returned.

23 Q Okay. Can you estimate how many units Mr. Kay had
24 available for use as demo units during the time you were
25 sales manager/general manager?

1 A Demo units in a sense is for the salespeople. Is
2 that what we're assuming?

3 Q Well, let me ask you. What is your understanding
4 of the term "demo unit"?

5 A The demo units that -- my term of it is what we
6 provided to customers who our salespeople wanted to show
7 what we could provide as far as equipment goes and as far as
8 repeater service goes.

9 Q Okay. How many units were available for use as
10 demo units?

11 A I would be estimating less than 20.

12 Q Would that be true during the entire period you
13 were sales manager/general manager?

14 A I wouldn't know.

15 Q Now, from time to time would Southland
16 Communications provide loaner radios?

17 A Yes.

18 Q Okay. Were there radios that were specifically
19 denominated for use as loaner radios?

20 A No.

21 Q Where would these loaner radios come from?

22 A They would come out of a rental inventory.

23 Q Mr. Cordaro, do you recall receiving a subpoena to
24 appear at your first deposition relating to this FCC
25 proceeding?

1 A Yes.

2 Q And do you recall that that subpoena required you
3 to produce certain materials?

4 A Yes.

5 Q In fact, you did produce materials as required by
6 that subpoena?

7 A Yes.

8 Q Is it correct that one of the materials which you
9 produced was in the form of a computer disk?

10 A Yes.

11 Q Is it correct that that disk contained certain
12 files?

13 A Yes.

14 Q Do you recall the sort of information that was
15 contained in those files?

16 A Yes.

17 Q And what was that information?

18 A Some of the files contained customer information,
19 frequencies, accounts payable, accounts receivable.

20 Q Now, when you say customer information, whose
21 customer information?

22 A Lucky's.

23 Q Now, how did you come into possession of those
24 files?

25 A I don't recall how exactly. Either they were

1 given to me, or they were left for me on our network server
2 to download.

3 Q Okay. Do you recall who provided you with that
4 information, who arranged for you to have access to those
5 files?

6 A Yes.

7 Q And who was that?

8 A Craig Sobel.

9 Q Just for the record, who is Craig Sobel?

10 A Craig Sobel was a consultant that Jim had hired to
11 maintain his computer system. He also was the accountant
12 for the company.

13 Q Okay. Do you recall why Craig Sobel provided or
14 gave you access to those files?

15 A Yes.

16 Q Why is that?

17 A I was simply trying to connect our technicians
18 with customers' information. A lot of times when a
19 customer's radio came in for repair, the technician had no
20 idea what frequency or what site or any of the programming
21 information was available, so they'd have to either walk to
22 the other building across the way to see Barbara or ask Jim.

23 It was just a convenience to have them punch in
24 the customer name, and it would bring up the mountaintop
25 that they were on and what frequency they operated on.

1 Originally -- I'm sorry -- what I was looking for
2 was samples. Sample data was what I needed.

3 Q Okay. What was the purpose, the specific use, for
4 which you would be using this sample data?

5 A The program that we were using at the time was an
6 element -- just a basic as we call it flat file design.
7 "Q&A" was the name of the program.

8 In order to generate the screens that a user can
9 input information to retrieve data, we needed to know what
10 the fields available were, what information could be
11 provided to you, so in order to generate those fields you
12 needed some sort of sampling.

13 Q Now, do I understand correctly? Is it correct
14 that you do not recall whether you received those files in
15 the form of a disk or received access to them through the
16 server?

17 A No, I don't recall.

18 Q Once you either received through disk or received
19 access to the files, what did you do with those files?

20 A I was preparing -- I was not writing code per se,
21 but writing a program in Q&A to be able to utilize that
22 data.

23 Q Do you recall approximately when you were
24 undertaking this project?

25 A No. I don't recall the exact date.

1 Q Do you recall approximately when?

2 A Well, the whole time I was there we were always
3 modifying our work order program. The whole Q&A program is
4 one program, so for the most part I was always modifying it
5 and updating it to get the most use out of it, you know.

6 Q Okay. Did you ever complete this project?

7 A No.

8 Q Why did you not complete the project?

9 A Loss of interest, time. I was leaving. I decided
10 I was going to find another job.

11 Q What were the circumstances under which you left
12 the employment of Southland Communications?

13 A When I originally started there, I had a three
14 year employment contract. The employment contract had ended
15 and Mr. Kay had not wanted to renew it, so I waited for a
16 year while we negotiated and tried to renew our contract.
17 It never materialized.

18 Q Did Mr. Kay give you a reason why it was not
19 renewed?

20 A No.

21 Q Mr. Cordaro, in connection with this project, do
22 you recall doing anything with the actual files you
23 received?

24 A Yes.

25 Q What did you do with the actual file?

1 A I attempted to integrate it into Q&A.

2 Q Did you ever perform any sort of operation to
3 download or transfer the files?

4 A Yes.

5 Q Okay. Please explain what you did.

6 A I copied them to floppies.

7 Q What procedure did you use to copy the files onto
8 a floppy?

9 A I zipped the files up because they were too large
10 for one floppy. I don't remember exactly. I just copied
11 them.

12 MR. SCHAUBLE: Your Honor, I notice it is about
13 noon. I am getting ready to look at a set of documents. I
14 wonder if it would be appropriate to break for lunch now?

15 JUDGE CHACHKIN: Well, I was planning to stay
16 until 12:30 p.m. unless there is some reason to break now.

17 MR. SCHAUBLE: That is fine, Your Honor.

18 JUDGE CHACHKIN: All right.

19 BY MR. SCHAUBLE:

20 Q Mr. Cordaro, in connection with this project, just
21 so I am understanding, is it correct that you placed these
22 files either in zipped or unzipped form on one or more
23 floppy disks?

24 A Yes.

25 Q For the record, when did you leave the employment

1 of Southland Communications?

2 A 1995.

3 Q Okay. Do you recall the month? Just if you
4 recall.

5 A May.

6 Q When you left the employment of Southland
7 Communications, did you engage in any sort of cleaning out?

8 Well, let me ask the question this way. Did you
9 have an office at Southland Communications?

10 A I had a desk.

11 Q Okay. When you left the employment of Southland
12 Communications, did you go through the materials in that
13 desk?

14 A The day I was actually leaving?

15 Q Yes.

16 A No. During that -- I was given a 30 day notice.
17 I actually started to put everything into a box. Yes. I
18 threw everything into a box. I cleared out my desk.

19 Q What sort of materials were you intending to place
20 in that box?

21 A I don't understand what --

22 Q Okay. Did you take all the contents of the desk
23 and place it in the box?

24 A No.

25 Q What sort of materials did you place in the box?

1 A Files. I don't know. I mean, certain files, some
2 personal files, pictures. I had a name tag.

3 Q What did you do with this box after you cleaned
4 out your desk?

5 A Nothing. I just took it home and left it in the
6 garage.

7 Q Okay. Did there come a time when you had a chance
8 to review the contents of that box again?

9 A Yes.

10 Q Okay. Please explain the circumstances under
11 which you reviewed that box.

12 A I was served a lawsuit by Mr. Kay, and through a
13 deposition I had to do -- I had to turn over documents or
14 anything that I might have pertaining to him.

15 Q Do you recall approximately when you were served
16 with a lawsuit by Mr. Kay?

17 A I've been served two lawsuits by him.

18 Q Okay. My question is with respect to the first
19 lawsuit.

20 A I don't recall the exact month.

21 Q Do you recall the year?

22 A 1997.

23 Q Do you recall the nature of the lawsuit Mr. Kay
24 filed against you?

25 A Yes.

1 Q What was the nature of the suit?

2 A I was involved in a deposition with a person he
3 was suing, Harold Pick, and through that testimony he had
4 indicated that I had breached my radio service management
5 contract and sued me for a breach of contract.

6 Q Did Mr. Kay's lawsuit explain what he thought the
7 matter of the breach of the contract was?

8 A Yes.

9 Q What was the nature of the alleged breach?

10 A That I had contacted the FCC. I had indicated
11 that I had sent a letter regarding the assignment of the
12 frequency.

13 Q If you would turn your attention back to WTB
14 Exhibit 325?

15 JUDGE CHACHKIN: 315?

16 MR. SCHAUBLE: 325, Your Honor.

17 JUDGE CHACHKIN: 325.

18 BY MR. SCHAUBLE:

19 Q To your understanding, was this lawsuit the basis
20 of Mr. Kay's allegations in the first suit?

21 JUDGE CHACHKIN: What allegations?

22 BY MR. SCHAUBLE:

23 Q Was this letter the basis of the allegations in
24 Mr. Kay's first lawsuit?

25 JUDGE CHACHKIN: 315?

1 MR. SCHAUBLE: 325, Your Honor.

2 JUDGE CHACHKIN: Yes. 325. Yes. You want to
3 know if this letter was the basis of the allegations?

4 MR. SCHAUBLE: Yes.

5 THE WITNESS: I don't believe so.

6 BY MR. SCHAUBLE:

7 Q In connection with this lawsuit, were you required
8 to search your files for certain documents?

9 MR. SHAINIS: Objection. Leading the witness.

10 MR. SCHAUBLE: A preliminary question, Your Honor.

11 JUDGE CHACHKIN: I will permit this question.

12 Overruled.

13 THE WITNESS: Yes.

14 BY MR. SCHAUBLE:

15 Q Did you in fact conduct such a search?

16 A Yes, I did.

17 Q How did you conduct that search?

18 A I went to the box that I had in the garage and
19 searched whatever I had in my desk drawers at home and
20 turned everything over to my counsel.

21 Q Okay. Is it correct that among the materials --

22 JUDGE CHACHKIN: If you want to ask him what
23 materials he found, go ahead. Do not tell him what
24 materials he found.

25 MR. SCHAUBLE: No. I did not.

1 BY MR. SCHAUBLE:

2 Q What materials did you find in the box, Mr.
3 Cordaro?

4 A I don't recall all the material. Everything was
5 turned over to my counsel. Some of it was licensing. Some
6 was some correspondence.

7 Q Let me ask. Was all the material in the box in
8 the form of paper records?

9 MR. SHAINIS: Objection, Your Honor. Leading the
10 witness.

11 JUDGE CHACHKIN: Well, I will permit it. It does
12 not really taint the record. I will overrule that
13 objection.

14 BY MR. SCHAUBLE:

15 Q The question was, was all of the material in the
16 box in the form of paper records?

17 A No.

18 Q What other form were materials in the box?

19 A Computer disks.

20 Q Do you recall how many computer disks you saw in
21 the box?

22 A No.

23 Q Do you recall what you did with the computer disk
24 or disks once you saw they were in the box?

25 A I turned everything over to counsel.

1 JUDGE CHACHKIN: Your counsel?

2 THE WITNESS: Yes.

3 JUDGE CHACHKIN: Which counsel is that?

4 THE WITNESS: Mr. Jon Walluck.

5 BY MR. SCHAUBLE:

6 Q Did there come a time when you reviewed the
7 information contained in those computer disks?

8 A I don't recall.

9 Q Did there come a time when you learned the nature
10 of the information that was contained in the computer disks?

11 A I don't recall. Through the -- I'm sorry --
12 through the depositions.

13 Q Do you currently have an understanding of what
14 files were contained on the computer disk or disks located
15 in that box?

16 A Currently?

17 Q Yes.

18 A As of today?

19 Q Yes.

20 A Yes.

21 Q What is that understanding?

22 A Customers' files with frequencies, unit counts.
23 That's all I know.

24 Q Do you currently have an understanding of the
25 source of the files which were in your box when you searched